

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

November 1, 2005

IN RE:

PETITION OF TENNESSEE ONE CALL SYSTEMS, INC.
FOR ALLOCATION OF AN N11 NUMBER

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DOCKET NO.
05-00161

ORDER APPROVING ALLOCATION OF
N11 NUMBER (811) TO TENNESSEE ONE CALL SYSTEM, INC.

This matter came before Chairman Ron Jones, Director Deborah Taylor Tate and Director Sara Kyle of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on August 8, 2005 for consideration of the *Petition for Allocation of an N11 Number* ("*Petition for N11*") filed by Tennessee One Call System, Inc ("Tennessee One Call" or the "Company") on June 10, 2005.

Background

FCC's Sixth Report and Order

On March 14, 2005, the Federal Communications Commission ("FCC") released its *Sixth Report and Order and Order on Reconsideration*¹ in CC Docket No. 92-105 ("*Sixth Report and Order*") in which the FCC granted a petition filed by the United States Department of Transportation seeking assignment of a three-digit toll-free telephone number to access One Call centers throughout the country.² One Call centers provide advance notice of excavation activities to underground

¹ *In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, *Sixth Report and Order and Order on Reconsideration*, 20 FCC Rcd 5539 ¶ 3 (2005)

² The United States Department of Transportation ("DOT") filed the petition in response to the Pipeline Safety Act (the "Act") which President Bush signed on December 17, 2002. The Act required, among other things, the DOT, in consultation with the FCC, to "provide for the establishment of a 3-digit nationwide toll-free telephone number system to be used by State one-call notification systems" Natural Gas Pipeline Safety Act, 49 U.S.C. § 60103 *et seq*

facility operators in compliance with the Pipeline Safety Act. In designating 811 as the nationally abbreviated dialing code to be used by state One Call notification systems, the FCC found that such an assignment was in the public interest. The FCC specifically found in the *Sixth Report and Order*:

Adopting a national abbreviated dialing code for this purpose will enhance public safety, and strengthen homeland security by streamlining the advance notification of excavation activities. The measures adopted in this Order will reduce disruptions to underground facilities during excavation. Designation of 811 as the abbreviated dialing code for providing advanced notice of excavation activities to underground facility operators will eliminate the need for each state One Call notification system to utilize different numbers, and therefore increase the public awareness and use of One Call services. Nationwide use of 811 will serve the public interest by minimizing confusion over which number to call before engaging in excavation activities.³

The FCC then stated that.

The 811 abbreviated dialing code shall be deployed ubiquitously by carriers throughout the United States for use by all telecommunications carriers, including wireline, wireless, and payphone service providers that provide access to state One Call Centers.⁴

The FCC delegated authority to state commissions, pursuant to section 47 U.S.C. § 251(e), to address the technical and operational issues associated with implementing the abbreviated dialing code.⁵ The FCC established a two (2) year period for implementing 811 as the national abbreviated dialing code for access to state One Call Centers.⁶

TPSC's 1993 Interim Order

The Interim Order issued on October 20, 1993 by the Tennessee Public Service Commission ("TPSC") in TPSC Docket No. 92-13892 ("TPSC Order") sets forth the criteria appropriate for the Authority's review of the *Petition for N11*. These criteria include: (1) the overall financial fitness of the applicant; (2) the technical ability and willingness of the applicant to provide the service on a

³ *In the Matter of the Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105, *Sixth Report and Order and Order on Reconsideration*, 20 FCC Rcd 5539 ¶ 3 (2005)

⁴ *Id.* at ¶ 4

⁵ *Id.* at ¶ 35

⁶ *Id.*

permanent and continuous basis; (3) the ability and willingness of the applicant to abide by applicable TPSC rules and policies; (4) the rates, services and collection practices to be utilized by the applicant, (5) the extent and duration of the applicant's service to the local community; (6) anticipated future uses by the community of the proposed service being offered by the applicant; and (7) the type of information services to be provided by the applicant over N11 and its relative value to the public and local community.⁷

Tennessee One Call's *Petition for N11*

Tennessee One Call filed its *Petition for N11* with the Authority on June 10, 2005 seeking allocation of the 811 abbreviated dialing code. The *Petition for N11* and the supporting documentation state that Tennessee One Call is duly qualified and an authorized Tennessee non-profit corporation that plans to act as an advanced notification service to operators of underground facilities anywhere within the State

August 8, 2005 Authority Conference

At a regularly scheduled Authority Conference held on August 8, 2005 the panel assigned to this docket met for deliberations. Following deliberations, the panel noted that the 811 abbreviated dialing code is not in use in Tennessee and made the following findings of fact and conclusions of law.

Findings and Conclusions

The Authority finds that reliance on the criteria in the TPSC Order does not conflict with the FCC's national assignment of the 811 abbreviated dialing code and that these criteria continue to be instructive as the Authority carries out its role of making local assignments. Accordingly, the Authority found that Tennessee One Call satisfies the criteria in the following manner:

⁷ *In re Investigation of N11 Allocations*, TPSC Interim Order, Docket No 92-13892, pp.4-5 (Oct. 20, 1993).

1. Overall financial fitness, both historical and future:

Tennessee One Call provided a copy of its year end 2004 financial statements with the *Petition for N11* showing that revenues were \$2,914,199. In addition, Tennessee One Call provided proposed financials for 2005 which showed total revenue of \$2,593,577 and \$2,559,198 in total operational expenses.

2. Overall technical ability and willingness to provide service on a permanent and continuous basis: Tennessee One Call states that it has the technical ability to provide notification to operators of underground facilities and has been providing this notification independent of vendors since 1995. The Company states that it already has sufficient staff in place to answer calls.

3. Ability and willingness to abide by TRA Rules and Policies:

Tennessee One Call provided a statement that it will follow the Authority's rules and policies.

4. The rates, services and collection practices to be utilized by the applicant:

Tennessee One Call states that all members will pay a membership fee of \$200.00 per year in addition to the industry rates associated with the per call fees.

5. The extent and duration of the applicant's service to the local community:

The purpose of Tennessee One Call is to receive excavation and demolition location information from excavators, contractors, builders and private citizens who are going to dig, drill, blast and/or bore and to provide notification of this activity to its members. Presently, Tennessee One Call takes the calls for notification of excavation through the use of a 1-800 toll free number.

6. Anticipated future uses by the community of the proposed service being offered by the applicant: It is anticipated that the proposed 811 abbreviated dialing code will be used by the same persons who currently use Tennessee One Call's toll free number. Tennessee One Call anticipates that after a period of education, 811 will become the accepted method for contacting Tennessee One Call.

7. **The type of information services to be provided by the applicant over N11 and its relative value to the public and local community:** While Tennessee One Call's operations will not be changed by the designation of 811 as the abbreviated dialing code, the use of the three-digit code will expedite and simplify the process by which the Company can be contacted

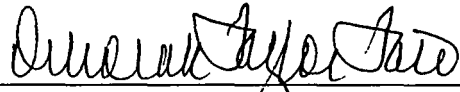
Based upon careful consideration of the *Petition for N11* and the exhibits attached thereto, and in following the mandate set forth in the FCC's *Sixth Report and Order* and the criteria set forth in the TPSC Order, the Directors voted unanimously for the allocation of the 811 abbreviated dialing code to Tennessee One Call.

IT IS THEREFORE ORDERED THAT:

The *Petition for Allocation of an N11 Number* filed by Tennessee One Call System, Inc. seeking allocation of the 811 abbreviated dialing code is approved.



Ron Jones, Chairman



Deborah Taylor Tate, Director



Sara Kyle, Director